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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NUMBER: 10/051,948 : AMENDMENT AND RESPONSE
APPLICANT: GAYLE ROSENBERG : TO OFFICE ACTION
AND ELI S. PINE : DATED: MAY 16, 2005
TITLE: EXPAND-A-TRAY/PLATTER : TRAVERSE OF RESTRICTION
: REQUIREMENT
: BEFORE THE EXAMINER
: JENNIFER ELEANORE NOVOSAD
: ART UNIT: 3634

Commissioner for Patents
Mail Stop: Non-Fee Amendment
Alexandria, Virginia 22313-1450

Dear Sir:

PRELIMINARY REMARKS:

In a telephone conversation with Examiner Jennifer E. Novosad on May 25, 2005, the amendment to New Claim 5 to make it dependent on New Claim 4 was discussed. It was the undersigned's understanding that the Examiner agreed that the restriction requirement would be withdrawn with regard to Claim 5 in the event it were made dependent upon Claim 4. As such, the only remaining restriction would relate to the method claim of Claim 18. Applicant traverses the restriction requirement with regard to Claim 18 (and claims 19 - 23 dependent thereupon) on the basis that there is no *material difference* whether the separators are inserted into the apertures before or after the frames are slidably affixed together. However, with the assumed allowance of Claim 4 and all claims dependent thereupon, applicant elects the invention as claimed in Claim 4 and all dependent claims therefrom; accordingly applicant cancels claims 18 - 23 as directed to a non-elected method.